

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 17-1306

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Vanessa Dundon; Jade Kalikolehuaokal Wool; Crystal Wilson; David Demo; Guy Dullknife, III; Mariah Marie Bruce; Frank Finan; Israel Hoagland-Lynn; Noah Michael Treanor, on behalf of themselves and all similarly-situated persons

*Plaintiffs - Appellants*

v.

Kyle Kirchmeier; Morton County; City of Mandan; Jason Ziegler; Stutsman County; Chad Kaiser; Does 1-100

*Defendants - Appellees*

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American Civil Liberties Union of North Dakota; American Civil Liberties Union of South Dakota

*Amici on Behalf of Appellant(s)*

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Appeal from United States District Court  
for the District of North Dakota - Bismarck

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Submitted: October 18, 2017  
Filed: November 14, 2017  
[Unpublished]

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Before WOLLMAN, BEAM, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Appellants appeal the district court's<sup>1</sup> denial of their motion for a preliminary injunction, wherein they sought an order prohibiting the appellees from using excessive force in responding to pipeline protests and prayer ceremonies. We have carefully reviewed the record and the parties' arguments on appeal, and have ensured that this dispute was not rendered moot by the completion of any portion of the Dakota Access Pipeline in North Dakota. We likewise have thoroughly reviewed the district court's analysis of the Dataphase factors in its well-reasoned opinion and find no abuse of discretion in the court's denial of injunctive relief. The judgment is affirmed. See 8th Cir. R. 47B; see also Dataphase Sys., Inc. v. CL Sys., Inc., 640 F.2d 109, 114 (8th Cir. 1981) (setting out factors court must weigh to determine whether to grant or deny a preliminary injunction); Coyne's & Co., Inc. v. Enesco, LLC, 553 F.3d 1128, 1131 (8th Cir. 2009) (standard of review).

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<sup>1</sup>The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota.